

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.24613 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ, order or direction preferably writ of mandamus, declaring the action of the 3rd respondent police in interfering with the day-to-day affairs of the petitioner without any reason and without following due process as illegal, arbitrary, violative of principles of natural justice and violative of Article 21 of the Constitution of India and consequently, direct the respondents 2 and 3 and their subordinates not to harass the petitioner in any manner and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Kowturu Vinaya Kumar, learned counsel for the petitioner, and the learned Government Pleader for Home (Telangana) appearing for the respondents apart from perusing the material available before this Court.

3. When the matter is called today, written instructions, dated 26.8.2015, furnished by the Station House Officer, Sathupally Police Station, Khammam District, have been placed on record by the learned Government Pleader for Home. The said instructions read as under:

“It is respectfully submitted that as per the records, it is revealed that one Mr.Nunna Satyanarayana, son of Subba Rao, resident of Thallamada Village, Sathupalli Mandal had approached the police of Sathupalli Police Station and lodged a complaint on 3.5.2015 stating that he along with other farmers viz., Nunna Jagan Mohan Rao, Nunna Babu Rao, Mandalapu Prabhakar, Gandhani Ramachandra Rao,

Gandhani Haribabu, Manikala Muralikrishna, Vankadaru Gopala Rao and Pakalapati Srinivasa Rao of Bethupally Village have sold away the paddy crop raised in their fields to DSP Rice Mill situated at Khanapuram Village and Mandal, Warangal District through Gandhani Ramakrishna of Thallamada Village in various lorries in the month of November, 2014. The total worth of paddy crop sold is Rs.43,95,848/-. When they asked the partners of the said mill, they dodged the matter on one pretext or the other and they have cheated the farmers by selling away the crop to other millers and when they telephoned, they were threatened to kill. Hence, he requested the police to take necessary action as per law.

Basing on the contents of the above complaint, a case in Cr.No.125/2015 U/secs.420 and 506 IPC was registered on the file of Sathupalli Police Station, Khammam District on 3.5.2015 and taken up the investigation.

It is submitted that during the course of investigation, the investigating officer examined the complainant and other witnesses and recorded their detailed statements.

The investigation clearly disclosed that the petitioner herein is a sleeping partner in DSP Rice Industries, Khanapur Village and Mandal, Warangal District.

The investigation is pending for want of examination of some more witnesses and for collection of material evidence to establish the offence.

It is true that no where it is mentioned about the name of the petitioner. In the First Information Report also, the name of the petitioner herein is not there.

It is humbly submitted that the allegation of the petitioner that the police are trying to arrest him even though he has nothing to do with the said allegations and rice transactions is false and hence denied.

It is submitted that the allegation of the petitioner that the police at the instance of interested persons are harassing him on one or the other reason is also absolutely false and hence denied.

It is pertinent to submit that none of the witnesses so far examined in the above crime did not say anything about

the involvement of the petitioner herein who is a sleeping partner in the partnership firm.

It is pertinent to submit that the investigation is going on in all angles to find out the real culprits including the accused in the FIR A1 to A4. As of now, this respondent did not send any of the constables to the residence of the petitioner herein nor summoned him or harassing him as alleged.

It is humbly submitted that if any involvement of the petitioner is noticed in the above offence during the course of investigation, certainly action will be taken against him by impleading him as accused and by following the due procedure as contemplated under law.

It is pertinent to submit that to divert the attention of the investigating agency in not conducting the investigation of the case in a fair and proper manner and as a precautionary measure to prevent the police from taking any action in the event of his involvement in the above offence, the petitioner rushed to this Hon'ble Court and filed the present writ petition with false allegations."

On noticing the said written instructions, learned counsel for the petitioner has requested this Court to record the said instructions and close the writ petition.

4. In view of the aforesaid reason, the Writ Petition stands disposed of by recording the written instructions, dated 26.8.2015, furnished by the Station House Officer, Sathupally Police Station, Khammam District. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 01.09.2015
AMD

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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